

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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AMA MULTIMEDIA, LLC,

Plaintiff(s),

v.

BORJAN SOLUTIONS, S.L. d/b/a  
SERVIPORNO, et al.,

Defendant(s).

Case No. 2:15-CV-1673 JCM (GWF)

ORDER

Presently before the court is plaintiff AMA Multimedia, LLC's motion to adopt the magistrate's report and recommendation. (Doc. # 26). Defendants have not filed a response, and the time for doing so has passed.

Also before the court are defendants Borjan Mera Urrestarazu and Borjan Solutions, S.L. d/b/a Serviporno's motion to dismiss plaintiff's complaint (doc. # 7) and motion to dismiss plaintiff's amended complaint. (Doc. # 13).

The court has adopted Magistrate Judge Foley's report and recommendation in full. (Doc. # 28). Plaintiff's motion to adopt the report and recommendation is therefore moot.

After defendants filed their motion to dismiss plaintiff's complaint, plaintiff filed an amended complaint. (Doc. # 9). An amended complaint supersedes the original pleading, making it "non-existent." *Valadez-Lopez v. Chertoff*, 656 F.3d 851,857 (9th Cir. 2011). If a litigant files an amended pleading, then motions to dismiss the original complaint are mooted without prejudice. *Johnson v. Cheryl*, 2013 WL 3943606, at \*2 (D. Nev. 2013). Defendants' motion to dismiss plaintiff's complaint will be denied as moot, without prejudice.

Pursuant to the magistrate judge's recommendation, the court compelled arbitration. (Doc. ## 21 and 28). The court ordered this matter stayed pending resolution of the arbitration proceeding. (Doc. # 28). The court will deny defendant's pending motion to dismiss the amended


1 complaint as moot in light of the arbitration and stay. The motion will be denied without prejudice  
2 and may be refiled if the matter is not resolved in arbitration.

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff AMA  
4 Multimedia, LLC's motion to adopt magistrate's report and recommendation (doc. # 26) be, and  
5 the same hereby is, DENIED as moot.

6 IT IS FURTHER ORDERED that defendants Borjan Mera Urrestarazu and Borjan  
7 Solutions, S.L. d/b/a Serviporno's motion to dismiss plaintiff's complaint (doc. # 7) be, and the  
8 same hereby is, DENIED as moot, without prejudice.

9 IT IS FURTHER ORDERED that defendants Borjan Mera Urrestarazu and Borjan  
10 Solutions, S.L. d/b/a Serviporno's motion to dismiss plaintiff's amended complaint (doc. # 13) be,  
11 and the same hereby is, DENIED as moot, without prejudice.

12 DATED April 20, 2016.

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15 UNITED STATES DISTRICT JUDGE  
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